

### Remarks/Arguments

Reconsideration of this application, as amended, is respectfully requested.

The drawings have been objected to for not containing reference numeral 25, which appears in the specification. The two replacement sheets of drawings have each been amended to include reference numeral 25, which indicates the conditioner roll arrangement, first mentioned in paragraph 15 of the specification.

Claims 1-20 are pending in this application.

The Examiner considers claims 10-13 and 17-20 to contain allowable subject matter.

Claim 6 is under an objection for the reason that "sat" in line 5 is incorrect. Claim 6 has been amended by changing "sat" to --said--.

Claims 1, 2, 4, and 7-9 are under a rejection based on 35 U.S.C. 103(a) as being unpatentable over Rosenbalm et al. in view of Scarnato et al. This rejection is thought to be in error for the reason that Scarnato et al. simply does not teach the claimed converging drum structure that the Examiner admits is not found in Rosenbalm et al.

Specifically, among other structure, claim 1 requires at least one converging drum having a lower end (claim 1) including an outer peripheral edge located a first distance above a path followed by knife blades carried by said at least one of said rotary discs, and including an inner region surrounding said upright axis and located a second distance, which is greater than said first distance, above said path, thereby creating a relief area beneath said at least one converging drum. As concerns claim 14, in pertinent part it is like claim 1, but defines the lower end of the converging drum as including an upper surface that inclines upward toward said upright axis.

Rosenbalm et al., in pertinent part, discloses a converging drum 110 mounted for rotation about an upright axis located behind the line of centers C of the cutting discs 40 and 42, this converging drum being located adjacent both of the cutting discs 40 and 42. A lower end 114 of the converging drum is in the form of a **flat circular plate** the entirety of which is a constant height above the path traced by the cutting knives of both of the discs 40 and 42.

Scarnato et al. disclose (FIGS. 4-6) a rotary cutter bar 150 including end rotors 154 and 157, which include converging drums 172, and intermediate rotors 155 and 156, which include inverted dome shaped covers 180 having flat top

surfaces and downwardly curved skirt portions 181 joined to a **bottom plate 179 to which is attached** cutting knives 177. The Examiner relies on these **dome shaped tops**, which do not perform a converging function, as a teaching for the claimed converging drum **bottom**.

Thus, it is respectfully submitted that the domed **tops** of the **cutter discs** of Scarnato et al. would not have made obvious the proposed modification to the **bottom** of the converging drum of Rosenbalm et al to be as defined in claim 1 or as defined in claim 14. It appears that the Examiner has resorted to hindsight, which has long been held impermissible, in making this rejection since only applicant's own disclosure teaches the claimed converging drum bottom structure.

Claims 2, 4, and 7-9 depend either directly or indirectly from claim 1 and are likewise thought allowable.

Claim 2 is thought allowable for the additional reason that it requires the upper surface of the lower end of the converging drum to be inclined upwardly and inwardly toward the upright axis of rotation and, as discussed above, such structure is absent from Scarnato et al.

Claim 7 is thought allowable for the additional reason that it requires the **lower end** of the converging drum to be in the shape of an inverted bowl, and no such converging drum structure is present in either Rosenbalm et al. or Scarnato et al.

Claim 8 is thought allowable for the additional reason that it requires the upper surface of the **lower end** of the converging drum to be conical, and no such converging drum structure is present in either Rosenbalm et al. or Scarnato et al.

Claim 9 is thought allowable for the additional reason that it requires a second converging drum that is identical to the first-mentioned converging drum, and since neither Rosenbalm et. al. and Scarnato are thought to disclose a converging drum having a lower end shaped to create a relief area beneath it, as set forth in claim 1, then, it follows that neither teach the **identical** second converging drum.

Claims 3, 5, 6, 15 and 16 are under a rejection based on 35 U.S.C. 103(a) as being unpatentable over Rosenbalm et al. and Scarnato et al., as applied to claim 1 above, and further in view of O'Halloran et al. This rejection is thought to be in error for the reason that O'Halloran et al. does not teach what is missing from Rosenbalm et al. and Scarnato et al. as concerns the structure set forth in each of independent claims 1 and 14, and further does not teach what is added by these claims, as

concerns the "flat ejector plate".

While O'Halloran et al. do teach the idea of mounting flat impeller plates (114, 133, 49, 98) to the outer two cutting discs at each end of the rotary cutter bar 30, there is no teaching for using the impeller plates as ejector plates that **pass beneath** the lower end of a converging drum, as claimed, for ejecting crop located there. Thus, claims 3, 5, 6, 15 and 16 are thought allowable.

Since claims 10-13 and 17-20 depend from claims thought allowable they too are thought allowable.

In conclusion, it is believed that this application is in condition for allowance, and such allowance is respectfully requested.

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Respectfully,

  
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